

REPORT - PLANNING COMMISSION MEETING
September 12, 2002
September 26, 2002

Project Name and Number: Bellecere General Plan Amendment (PLN2002-00111)

Applicant: Pinn Brothers

Proposal: To consider a General Plan Amendment (GPA) to change the land use designation from Low Density Residential (5 – 7 dwelling units per acre) to Medium Density Residential (15 – 18 dwelling units per acre) and preliminary approval of a zone change from R-1-6 Single-Family Residence to Planned District. The project description includes a conceptual site plan that identifies a thirteen-unit townhouse project, parking and circulation, and landscaping on the 1.04-acre site.

Recommended Action: Recommend to City Council

Location: 38569 and 38573 Mission Boulevard in the Central Planning Area

Assessor's Parcel Number: 507-0527-040

Area: 1.04 Acres

Owner: Mahesh N Patel;

Agent of Applicant: Daniel R. Revay, Pinn Brothers Construction Inc.;

Consultant(s): Dahlin Group, Architect, Robert Mowat & Associates, Reggeri Jensen Azar, Environmental Services, Terresearch Inc., HortSciences, Archaeological Resource Management.

Environmental Review: A Draft Mitigated Negative Declaration was prepared and circulated for this project.

Existing General Plan: Residential (5 – 7 dwelling units per acre)

Existing Zoning: R-1-6 Single-family Residence

Existing Land Use: Undeveloped property with two vacant single-family residential units that are in dilapidated condition.

Public Hearing Notice: Public hearing notification is applicable. A total of 86 notices were mailed to the property owner, applicant, and owners and occupants of property within a minimum radius of 300 feet of the site on the following streets: Sea Crest Terrace, Overacker Terrace, Orchard Drive, Blue Coral Terrace, Glen Ferguson Circle, Rea Court, Mission Boulevard, Dow Court, and Hidden Valley Terrace. The notices to owners and occupants were mailed on August 30, 2002. A Public Hearing Notice was delivered to The Argus newspaper on August 28, 2002 to be published by August 31, 2002.

Background and Previous Actions: The project was continued from the September 12, 2002 Planning Commission hearing to allow the completion of the required Historical Evaluation and subsequent City peer review. The findings of these documents are enumerated later in this report.

Project Description: The project consists of a General Plan Amendment to change the land use designation of a 1.04 acre site from Low Density Residential (5-7 dwelling units per acre) to Medium Density Residential (15-18 dwelling units per acre). The proposed project will require a parcel map and rezoning. The entitlement process for the parcel map and rezoning will be evaluated by the Planning Commission and City Council as a separate application. However, analysis for

the Parcel map and rezoning portions of the application are also evaluated herein. The property has two old homes that date back to 1920 and 1940 respectively. Primary access to the proposed development will be from Mission Boulevard.

To accommodate the proposed project, the site will be rezoned to a Planned District. A detailed description of the proposed development and some of the prominent structural features is provided in the following sections, although the precise plan will be subject to later site plan and architectural review and approval by the Planning Commission. In addition, all mitigation measures contained in the Draft Mitigated Negative Declaration (contained in Commission packet) will require implementation, as appropriate.

The applicant submitted a conceptual site plan to develop 13 townhouses, parking and circulation, and landscaping on the 1.04-acre site (Enclosed in Commission's packets) to be approved in principle. If approved, the site would allow for ten (10) three bedroom, two bathroom residential units and three (3) two bedroom, two bathroom units. Future development of the site would involve demolishing the existing houses that date back to 1920 and 1940 respectively, storage structures, and a shed. An Historical Assessment of the property was conducted for the applicant by Dr. Robert R. Cartier of Archaeological Resource Management. The report concluded that the structures were not considered significant cultural resources and were not eligible for listing in the California Register of Historic Resources, as discussed later in the report.

The applicant is proposing to create a development with a sense of community on a long linear site. To enhance the interaction, the buildings would face each other and the end units are equipped with wrap around porches. This design feature allows residents to interface with neighbors and the public.

The proposed site has two unique trees that could be categorized as 'Landmark Trees'. The applicant has designed this project to preserve these trees and create a community open space around them.

General Plan Justification: The applicant has provided a General Plan Amendment Justification Statement (enclosure) which describes the proposed Medium-Density Residential land use designation as consistent with the Medium-Density Residential land use designations to the east, southeast and northeast and existing neighborhood character. The applicant states that the intention is to develop 13 high-quality townhomes with the required on-site parking and circulation under a planned district zoning. The project will provide housing in close proximity to the Fremont BART station and Central Business District, citing the City's efforts to create a viable and dynamic downtown.

Staff Analysis: As a multiple family residential use, the project will be consistent with the multi-family residential character of much of the surrounding neighborhood. The surrounding land uses are existing multi-family residential, with General Plan residential density designations as follows: 15-18 units/acre to the east, southeast and northeast, 4-6 units/acre to the north (across Mission Boulevard); and 5-7 units/acre to the south and west. The proposed project will include a rezoning request from Single-family Residential District (R-1-6) to Planned District, which will provide site planning flexibility and on-site amenities. Given the presence of surrounding multi-family residential land uses, the proposed project would result in a more compatible land use with the adjacent multi-family residential areas. If approved, the proposed General Plan Amendment (and zone change) would be considered a logical land use designation, consistent with existing General Plan goals, policies and objectives related to multiple-family. The goals are as follows:

Goals H1, H2 and H3: The proposed General Plan Amendment is compatible with these three housing goals, which identifies "Conservation and enhancement of existing residential neighborhoods" (H1); "High quality and well-designed new housing of all types throughout the city" (H2); and "Housing affordable and appropriate for a variety of Fremont households at all economic levels throughout the city" (H3). The site is currently developed as two single-family detached residences, a storage building and a shed which are presently vacant. The proposed General Plan Amendment from Low-Density to Medium-Density Residential could result in the future development of thirteen townhomes on the site. The proposed land use has the potential to enhance the existing residential community by providing a well-designed residential buildings, parking and landscaping.

Policy LU 1.11: According to the applicant, the current land use designation of Low-Density Residential is not consistent with General Plan Land Use Policy LU 1.11, which states, "Appropriate transitions shall be encouraged between Higher Density Residential areas and Lower Density areas. Transitions can be composed of streets, setbacks, open space,

landscape and site treatments, building design and/or other techniques.” The current land use designation provides few transition opportunities between the existing project site and the surrounding developed medium-density residential developments. The proposed amendment will provide a land use designation more consistent with the surrounding land use designations and zoning districts and thus mitigate the need for concern about transition between area of differing residential densities.

The applicant’s conceptual site plan demonstrates that thirteen townhomes can be developed on the project site in a manner that provides sufficient parking, open space, and landscaping. This conceptual site plan is included in the Planning Commission packets for illustrative purposes only. The conceptual site plan is to be considered in principle only and is not interpreted as a precise site plan at this time. The purpose of the plan is only to demonstrate that the minimum density can be achieved on the project site at some future date.

Land Use Goal 1.9: The proposed General Plan Amendment is compatible with this land use goal which states, “To achieve a variety of housing types, the City has designated locations where moderate and higher density development is appropriate.” Criteria for the location of higher density housing include access to transit, proximity to commercial areas, proximity to a collector or arterial street, and as a transition use where maximum flexibility in site design is required. For those areas where higher densities are indicated on the General Plan Diagram, construction of housing at significantly lower densities than planned would not meet the City’s goals. The applicant is proposing medium-density (15 - 18 units per acre) that applies to the proposed project as follows:

Step 1:	1.04 acres	x	15 units/acre	=	15.6 dwelling units
Step 2:	1.04 acres	x	16.5 units/acre	=	17.1 dwelling units
Step 3:	1.04 acres	x	18 units/acre	=	18.7 dwelling units

When the residential range is between 11 units per acre and 25 units per acre, development must be within 80% of the Step 1 density. The applicant’s conceptual site plan demonstrates that 80% (percent) of the Step 1 density can be achieved with single 13 townhomes. Staff notes that this site is not large enough to reasonably accommodate more than 13 dwelling units of this type. Staff considered other density options for the site but concluded that to be consistent with the prevailing density in the area, the proposed designation was reasonable.

Land Use Policy LU 1.11: The proposed General Plan Amendment is compatible with this land use policy which states, “Appropriate transitions shall be encouraged between higher density residential areas and lower density residential areas. Transition can be composed of streets, setbacks, open space, landscape and site treatments, building design and/or other techniques.” The proposed project design and the density of the site will result in a more consistent density for the entire area and thus mitigate the General Plan concern that there be provision made for transition between areas of differing residential densities.

Land Use Policy LU 1.12: The proposed General Plan Amendment is compatible with this land use policy which states, “To the maximum extent feasible, play areas and open spaces shall be located to avoid conflict between residents attempting to reach these facilities and vehicular traffic”. As indicated in the earlier sections, the applicant has designed the project to save two unique trees that are on the site. The conceptual plans proposes that the area around the preserved trees be used as community open-space, thereby meeting the General Plan policy requirement.

Land Use Policy LU 1.13 and 1.22: The proposed General Plan Amendment is compatible with these land use policies which state, “Buildings shall be designed to provide for maximum feasible visual and auditory privacy for each unit though the use of site design, open space, landscaping and appropriate building materials. Multi-family housing units shall be developed with consideration given to the relationship to adjacent development.” Staff concurs with the applicant’s assertion that the proposed General Plan Amendment and Zone Change has the potential to meet or implement the General Plan policies for multi-family residential development and anticipates that these policies will apply to any proposed precise plan.

Proposed Zoning Conformance: The project proposes to ultimately change the zoning designation from R-1-6 Single-family Residence to Planned District. The applicant has submitted a conceptual site plan which demonstrates that development of 13 townhomes has the potential to meet the minimum development standards that will be required of the

Fremont Municipal Code for Planned District zoning. Zoning which supports multi-family housing currently exists immediately to the east, southeast, and northwest. Staff notes that the applicant has demonstrated that a 13-unit townhome project can be accommodated on the project site. As a Planned District, any future on-site development shall be subject to site plan and architectural review and approval by the Planning Commission and adhere to the following criteria:

1. Creation of a desirable and stable living environment;
2. Allow for site planning and zoning criteria flexibility in support of superior site design, architecture, and amenities;
3. Develop a project that is compatible with the high quality neighborhood character; and
4. Comply with all city requirements.

If the Council approves the General Plan Amendment, the applicant may proceed with their Planned District Precise Plan. At that time, staff will develop specific Findings that clearly document the intent of the Commission to create a superior site plan, architectural design, and amenities which compliments and sustains the superior neighborhood character.

Access and Circulation: The project site is accessed from Mission Boulevard. Development of the project site at a future time will require street improvements along Mission Boulevard across the site's frontage with a standard sidewalk and landscape area consisting of a 5-foot wide landscaping strip at the back of curb and a 4-foot wide sidewalk.

Applicable Fees:

Development Impact Fees: If the proposed amendment is recommended to the City Council and approved, any subsequent development project will be subject to Citywide Development Impact Fees. These fees may include fees for fire protection, park dedication-in-lieu of park facilities, capital facilities and traffic impact. These fees shall be calculated at the fee rates in effect at the time of building permit issuance. The applicant will be entitled to a fee credit for the two existing single family homes.

School Impact Fees: If the proposed amendment is recommended to the City Council and approved, any subsequent development project will be subject to school impact fees, per Proposition 1A and SB 50.

Urban Runoff Clean Water Program: If the project site is developed at a future date, the City's Urban Runoff Clean Water Program requirements will be required, upon plan submittal to the Development Organization.

Waste Management: This project involves multi-family residential development and shall be subject to the provisions of the California Integrated Waste Management Act of 1989 (AB939). The Act requires that 50% of the waste generated in the City of Fremont be diverted from landfill sites by the year 2000. Additionally, the project is subject to the City's Source Reduction and Recycling Element (1992), an Integrated Waste Management Ordinance (1995), and a Commercial/Industrial Recycling Plan (1997). These documents require that any new project for which a building permit application is submitted to include adequate, accessible, and convenient areas for collecting and loading trash and recyclable materials. Any trash/recycling enclosure for the project shall be designed in a manner to be architecturally compatible with nearby structures and with the existing topography and vegetation in accordance with such standards.

Environmental Analysis:

Historic Resources: The site has five buildings: a circa 1921 home, a circa 1940 home, a garage, a shed and a pump-house. In addition, a large canopy and the remains of a second collapsed shed are present on the property. The structures are currently vacant and are in fair to poor condition. The existing structures retain their original design and have not undergone any modifications. Refer to Attachment 'B' of the initial study for the historical analysis prepared by Archeological Resources Management for this project.

The project site is not listed as a historic resource on federal, state, or local registers. Generally, a resource must be considered by the City to be "historically significant" if the resource meets the following criteria for listing on the California Register of Historical Resources:

1. Is associated with events that have made a significant contribution to the broad patterns of California history and cultural heritage;
2. Is associated with the lives of persons important in our past;
3. Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or
4. Has yielded, or may be likely to yield, information important in prehistory or history.

The Historical Evaluation Report prepared by Archaeological Resource Management recognizes that the buildings located at 38569 and 38573 Mission Boulevard date back to 1921 and 1940 respectively. The document also indicates that the existing buildings are currently not listed on the California Register of Historical Resources (CRHR) or the National Register of Historic Places (NRHP). They do not appear to be potentially eligible for inclusion in either of these historic registers. The report concludes that the proposed project (including demolition of existing structures) will have no impact on significant cultural resources. Therefore, no further mitigation measures are being proposed.

Peer Review: Because the Historical Assessment was prepared for the applicant, staff initiated peer review of the document. The Historical Assessment was reviewed by Christopher VerPlanck of Page & Turnbull, who found that certain portions of the assessment should be expanded on, including the architectural description of the individual buildings and the context of the property's history. The peer reviewer agreed that neither of the buildings were individually historically significant from an architectural point of view. However, the peer reviewer felt that the use of the newer building should be better described and that further analysis is necessary. Staff has required that the Historical Assessment be expanded to address the inadequacies identified by the peer reviewer. It is highly unlikely that additional evidence will modify the initial conclusions of Archaeological Resource Management that the demolition of these buildings would not be a significant impact on the environment. Even in the highly unlikely circumstance that as a result of additional analysis, the newer building is found to have unrealized historic significance, the building could be preserved on site and modifications made to the site plan to accommodate a project consistent with the density allowed by the General Plan change. Accordingly, to allow the project to move forward through the General Plan process, the following additional mitigations are added to the Mitigated Negative Declaration to reduce to a less than significant level any potential impacts to historic resources:

1. Should further analysis determine that one or both buildings have some historic value but are not significant historic resources (e.g., eligible for the California Register), the applicant shall prepare a photographic recordation of the building(s), consistent standards of the Historic American Buildings Survey (HABS), prepared by a qualified photographer approved by the City, and provide the results of that recordation to the City of Fremont.
2. Should further analysis conclude that one or both buildings are significant historic resources, the applicant shall redesign the Planned District to accommodate preservation of the buildings in an historically sensitive manner, subject to review and recommendation by the Historical Architectural Review Board

California Environmental Quality Act: An Initial Study and Draft Mitigated Negative Declaration, has been prepared and circulated for this project. The environmental analysis identified concerns regarding potential impacts to Aesthetics, Air Quality, Biological Resources, Cultural Resources, Hydrology Noise, and Geology/Soils. The Draft Mitigated Negative Declaration includes mitigation measures, which, if implemented, would reduce the identified impacts to non-significant levels. A more detailed description of the potential impacts, staff analysis, and mitigation measures is provided within the Initial Study for the project, which is included as an enclosure.

A finding is proposed that this project would not have a significant effect on the environment based upon the implementation of the identified mitigation measures. Accordingly, a Draft Mitigated Negative Declaration has been prepared for consideration by the Planning Commission. Several mitigation measures for the project are contained within the Draft Mitigated Negative Declaration and shall be incorporated into the precise planned district as conditions of approval.

The initial study conducted for the project has evaluated the potential for this project to cause an adverse effect -- either individually or cumulatively -- on wildlife resources. There is no evidence the proposed project would have any potential for adverse effect on wildlife resources. Based on this finding, a Certificate of Fee Exemption will be submitted with the Notice of Determination after project approval, as required by Public Resources Code section 21089. The Certificate of

Fee Exemption allows the project to be exempted from the review fee and environmental review by the California Department of Fish and Game.

Response from Agencies and Organizations:

This project was submitted to the Alameda County Congestion Management Agency (ACCMA) for review to determine if implementation of the proposal would create an impact on the regional transportation network. The ACCMA responded by finding no significant impact from the proposed project.

Enclosures: Exhibit "A" (General Plan Exhibit)
Initial Study and Draft Mitigated Negative Declaration
Applicant's General Plan Amendment Justification Statement (Informational)
Conceptual Site Plan (Informational)
Historical Evaluation Peer review (Informational)

Exhibits: Exhibit "A" General Plan Exhibit
Conceptual Site Plan (Informational)

Recommended Actions:

1. Hold public hearing.
2. Recommend the City Council find the initial study has evaluated the potential for this project to cause an adverse effect -- either individually or cumulatively -- on wildlife resources. There is no evidence the proposed project would have any potential for adverse effect on wildlife resources.
3. Recommend the City Council approve Draft Mitigated Negative Declaration and find it reflects the independent judgement of the City of Fremont.
4. Find PLN2002-00111 is in conformance with the relevant provisions contained in the City's existing General Plan. These provisions include the designations, goals and policies set forth in the General Plan's Housing and Land Use Chapters as discussed within the staff report.
5. Recommend that the City Council approve PLN2002-00111 to amend the General Plan land use designation from low-density residential (5-7 units per acre) to medium-density residential (15 – 18 dwelling units per acre) in conformance with Exhibit "A" (General Plan Amendment Exhibit).

EXHIBIT "A"

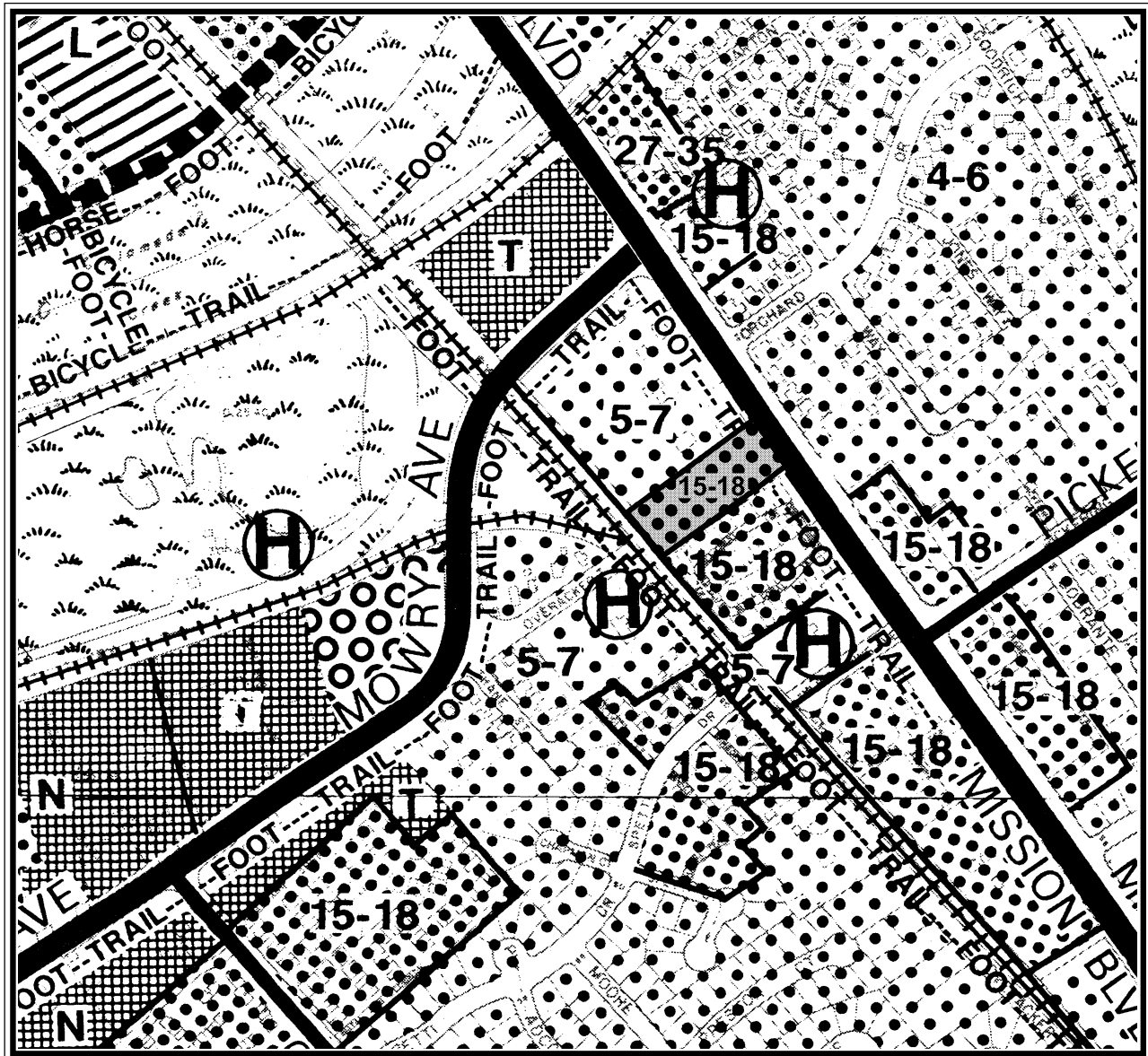
Attached to and made a part of

Resolution No. _____

adopted by the City Council of the City of Fremont, California

On the _____ **day of** _____, **2002** .

GENERAL PLAN LAND USE DIAGRAM (SECTION) CITY OF FREMONT, CALIFORNIA



From: Residential Low 5-7 du/ac and Foot Trail

To: Residential Medium 15-18 du/ac

[pc 09-26-02] 72-392

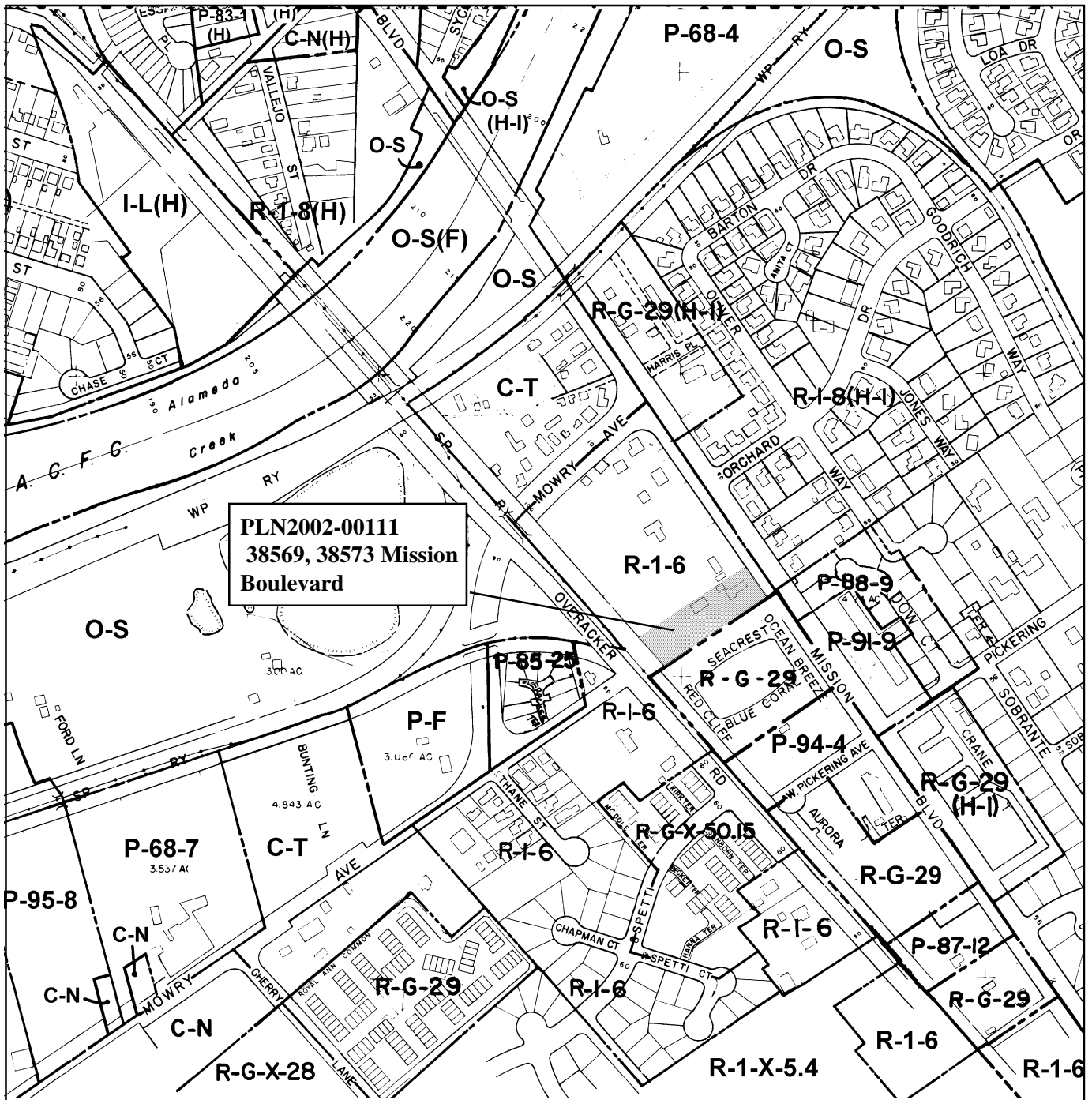
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**AFFECTS THE LAND USE DIAGRAM
FOR THE IRVINGTON PLANNING AREA**

Associated files:

PLN2002-00111 (GPA)

INFORMATIONAL

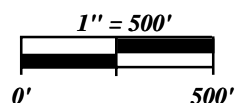


Existing Zoning

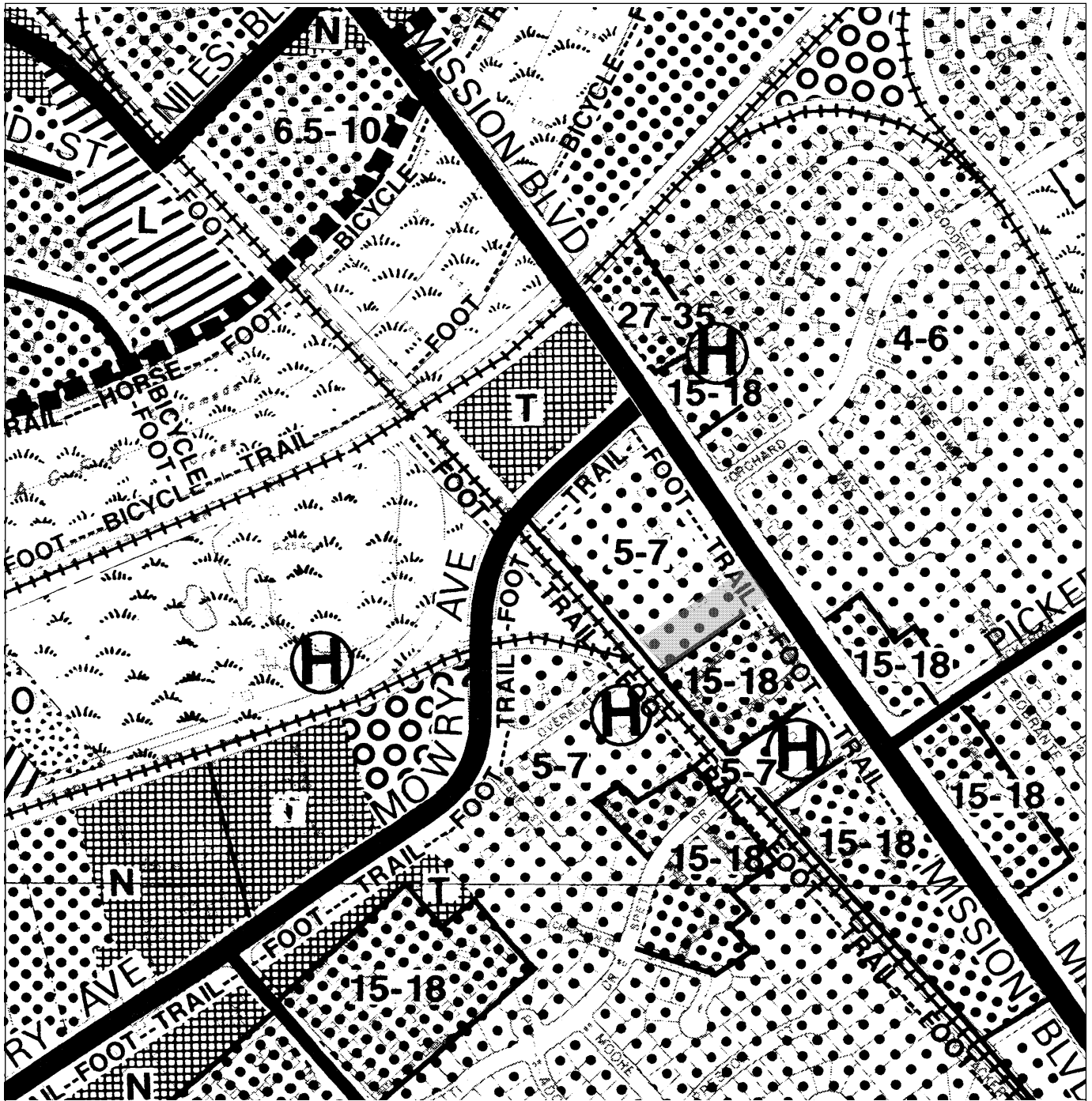
Project Number: PLN2002-00111 (GPA)
Project Name: Bellecere GPA
Project Description: To consider a General Plan Amendment to change the land use designation from Residential 5-7 dwellings per acre to 15-18 dwellings per acre for 1.04 acres located in the Central Planning Area.



Note: Prior arrangements for access are not required for this site.



INFORMATIONAL



Existing General Plan

Project Number: PLN2002-00111 (GPA)

Project Name: Bellecere GPA

Project Description: To consider a General Plan Amendment to change the land use designation from Residential 5-7 dwellings per acre to 15-18 dwellings per acre for 1.04 acres located in the Central Planning Area.



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